

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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MAY - 4 2010

PATENT INFRINGEMENT AND  
RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO)

AT 8:30  
WILLIAM T. WALSH, CLERK

Dr. George Pieczenik, *Pro Se* )  
Plaintiff )  
v. )  
Bayer Corporation, Bayer Healthcare LLC, Bayer )  
Healthcare Pharmaceuticals, Inc., Bayer Cropscience )  
(New Jersey) Inc., Bayer Pharma Chemicals Inc, )  
Bayer Materialscience LLC, Bayer Pharmaceuticals )  
Corporation, Boehringer IngelheimRoxane, Inc., )  
Boehringer Ingelheim Vetmedica, Inc., )  
Novartis Corporation, Novartis Pharmaceuticals )  
Corporation, Novartis Vaccines and Diagnostics, Inc., )  
Syngenta Crop Protection, Inc., Syngenta Seeds, Inc., )  
Siemens Medical Solutions USA, Inc., Siemens )  
Diagnostics Finance Co. LLC, Siemens Healthcare )  
Diagnostics Inc., Siemens Corporation, Siemens Medical )  
Solutions USA, Inc., Roche Laboratories Inc., Roche )  
Molecular Systems, Inc., Roche Diagnostics Corporation, )  
Hoffmann-La Roche Inc. ,Qiagen Incorporated, )  
Bracco Diagnostics Inc., and John Does 1 through 61. )  
Defendants

CIVIL ACTION NO:

10-2230 FLW

COMPLAINT

TJB

COMPLAINT FOR PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO) AND  
JURY DEMAND

For its complaint herein, Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, George Pieczenik ("Pieczenik") is a New Jersey resident, residing at 129 Kingwood-Locktown Rd, Stockton, N.J. 08559.
2. Upon information and belief, Defendant Bayer Corporation is a Foreign Profit corporation incorporated under the laws of Indiana and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628. Bayer Corporation has a principal business address listed as 36 Columbia Rd PO Box 1910, Morristown, NJ 07962. Its NJ Business ID number is 0100348033.
3. Upon information and belief, Defendant Bayer Health Care LLC is a Foreign Limited Liability Company incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628 and has a principle business address at 36 Columbia Rd, P.O. Box 1910, Morristown, NJ 07962-1910. It has a NJ business ID 0600159736. It lists its officers as Title: Member, Name: Bayer Corporation.
4. Upon information and belief, Defendant Bayer Healthcare Pharmaceuticals Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business

Address at 6 West Belt Rd. Wayne, N. J. 07470 and a principal business address at 340 Changebridge Road, Pine Brook, NJ 07058-9714. Its New Jersey Business ID Number is 0100097221.

5. Upon information and belief, Defendant Bayer Cropscience (New Jersey) Inc. is a Foreign Profit corporation incorporated under the laws of New York and has designated the Corporation Service Company to receive process of service at a business address at 830 Bear Tavern Road, West Trenton, NJ 08628. It has an associated name of Bayer Cropscience, Inc. It has a New Jersey Business Id Number 0100987112.
6. Upon information and belief, Defendant Bayer Pharma Chemicals Inc is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Rd., West Trenton, J.J. 08628. It has a main and principal business address at 340 Changebridge Rd. Montville Corporate Center, Pine Brook, N.J. 07058-9714. It has a New Jersey Business ID Number:0100671789.
7. Upon information and belief, Defendant Bayer Materialsience LLC is a Foreign Limited Liability Company incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a main business address at 100 Bayer Road, Building 16, Pittsburgh, PA. 15205. It has a New Jersey Business Id Number: 0600158716.
8. Upon information and belief, Defendant Bayer Pharmaceuticals Corporation is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 400 Morgan Lane, West Haven, CT., 06516. It has a New Jersey Business ID Number: 0100897180.
9. Upon information and belief, Defendant Boehringer IngelheimRoxane, Inc.is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at P.O Box 16532, 1809 Wilson Road, Columbus, OH 43216. It has a New Jersey Business ID Number: 0100960711.
10. Upon information and belief, Defendant Boehringer Ingelheim Vetmedica, Inc.is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2621 North Belt Highway, St. Joseph, MO 64506-2002. It has a New Jersey Business ID Number: 0100990543.
11. Upon information and belief, Defendant Novartis Corporation.is a Foreign Profit corporation incorporated under the laws of New York and has designated the Prentice Hall Corp. System to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 1 South Ridgedale Ave., East Hanover, NJ 07936. It has a New Jersey Business ID Number:291970000. It had a previous name Ciba-Geigy Corporation.
12. Upon information and belief, Defendant Novartis Pharmaceuticals Corporation.is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 59 Route 10, East Hanover, NJ 07936. It has a New Jersey Business ID Number:7896840000. It had a previous name Sandoz Pharmaceuticals Corporation.
13. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc.is a Foreign Profit corporation incorporated under the laws of Delaware and has designated The Corporation Trust Company to receive process of

service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 350 Massachusetts Ave., Cambridge Mass. 02138. It has a New Jersey Business ID Number:0100676935. It had a previous name Chiron Corporation.

14. Upon information and belief, Defendant Syngenta Crop Protection, Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 410 Swing Road, Greensboro, NC 27409. It has a New Jersey Business ID Number:0100691785. It had a previous name Novartis Crop Protection, Inc.
15. Upon information and belief, Defendant Syngenta Seeds, Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 11055 Wayzata Boulevard. It has a New Jersey Business ID Number:0100034327. It had a previous name Sandoz Seed Company and Novartis Seeds, Inc.
16. Upon information and belief, Defendant Siemens Medical Solutions USA, Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number:0100179863. It had a previous name Siemens Medical Systems, Inc.
17. Upon information and belief, Defendant Siemens Diagnostics Finance co. LLC is a Foreign Limited Liability Company incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 1717 Deerfield Road, Deerfield, IL 60015-0778. It has a New Jersey Business ID Number:0600225991. It had a previous name Dade Behring Finance Co. LLC
18. Upon information and belief, Defendant Siemens Healthcare Diagnostics Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 1717 Deerfield Road, Deerfield, IL 60015-0778.. It has a New Jersey Business ID Number 0100989647.
19. Upon information and belief, Defendant Siemens Corporation is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number 0100547532.
20. Upon information and belief, Defendant Siemens Medical Solutions USA, Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number 0100179863. It was previously part of Bayer Healthcare's diagnostic division, i.e. Bayer Diagnostics and Diagnostic Products Corporation (DPC).
21. Upon information and belief, Defendant Roche Laboratories Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business

Address at 340 Kingsland Street, Nutley, NJ 07110. It has a New Jersey Business ID Number 0100634320.

22. Upon information and belief, Defendant Roche Molecular Systems, Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 1080 US Highway 202, Somerville, N.J. 08876. It has a New Jersey Business ID Number 0100516849.
23. Upon information and belief, Defendant Roche Diagnostics Corporation is a Foreign Profit corporation incorporated under the laws of Indiana and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 9115 Hague Road, Indianapolis, IN 46250.. It has a New Jersey Business ID Number 0100375048. It previous name was Boehringer Mannheim Corporation.
24. Upon information and belief, Defendant Hoffmann-La Roche Inc. is a corporation incorporated under the laws of New Jersey and has designated Frederick C. Kentz III to receive process of service at 340 Kingsland Street, Nutley, NJ 07110 It has a Main and Principal Business Address at 340 Kingsland Street, Nutley, NJ 07110. It has a New Jersey Business ID Number 4672001000.
25. Upon information and belief, Defendant Qiagen Incorporated is a Foreign Profit corporation incorporated under the laws of California and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 19300 Germantown Road, Germantown, Md.20874. It has a New Jersey Business ID Number 0400158161.
26. Upon information and belief, Defendant Bracco Diagnostics Inc. is a Foreign Profit corporation incorporated under the laws of Delaware and has designated Kathleen Lynch-Drummond, 107 College Road East, Princeton, N.J. 08540. It has a Principal Business Address at 107 College Road East, Princeton, N.J. 08540. It has a New Jersey Business ID Number 0100596174.
27. Upon information and belief, "John Does" 1 through 61 are those companies who have entered into either licensing agreements or covenants "not-to-sue" with infringing companies. John Does have offices or places of business or transact business and enter into contracts either in New Jersey or with companies and individuals located and doing business in New Jersey.

#### JURISDICTION AND VENUE

28. This action arises under the patent laws of the United States of America and Jurisdiction is founded on Title 28, United States Code § 1331 and 1338 (a). Venue is proper in this Court under Title 28, United States Code § 1391 (c)(d)(e1) and 1400(b).
29. On February 2, 1999 the United States Patent Office issued Patent No. 5,866, 363 entitle Method and Means for Sorting and Identifying Biological Information to Plaintiff. This patent grants plaintiff rights to exclude others to make and own intermediate and end products of libraries of displayed peptides, test species and antibodies that interact with these libraries. Plaintiff originally filed his application with the United States Patent office on August 28, 1985. This patent is effective until February 2, 2016.
30. This Court has jurisdiction over this action pursuant to 12 U.S.C. §1819, 18 U.S.C. §1964, and 28 U.S.C. §1349.
31. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) in that the claims stated herein arose in this district.

CLAIM

32. Pieczenik is the owner of the United States Patent No. 5,866,363 ("the '363 Patent"), which discloses and claims a method and means of identifying biological information. A copy of the '363 Patent is attached as Exhibit A.
33. Bayer Corporation, Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals, Inc., Bayer Cropscience (New Jersey) Inc., Bayer Pharma Chemicals Inc, Bayer Materialscience LLC, Bayer Pharmaceuticals Corporation, Boehringer IngelheimRoxane, Inc., Boehringer Ingelheim Vetmedica, Inc., Novartis Corporation, Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Syngenta Crop Protection, Inc., Syngenta Seeds, Inc., Siemens Medical Solutions USA, Inc., Siemens Diagnostics Finance Co. LLC, Siemens Healthcare Diagnostics Inc., Siemens Corporation, Siemens Medical Solutions USA, Inc., Roche Laboratories Inc., Roche Molecular Systems, Inc., Roche Diagnostics Corporation, Hoffmann-La Roche Inc. , Qiagen Incorporated, Bracco Diagnostics Inc., John Does 1 through 61 own, use and have filed patents claiming methods, products and biological intermediates used in the display of peptide and antibody combinatorial libraries. These patents and patent applications have been filed at a later date than the original filing of the Pieczenik '363 Patent parent and therefore are subject to a 102(e) "snap back" prior art date. Because this '363 patent has now issued, their patents containing claims relating to the display of combinatorial libraries are invalid. .
34. Defendants Bayer Corporation, Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals, Inc., Bayer Cropscience (New Jersey) Inc., Bayer Pharma Chemicals Inc, Bayer Materialscience LLC, Bayer Pharmaceuticals Corporation, Boehringer IngelheimRoxane, Inc.,Boehringer Ingelheim Vetmedica, Inc., Novartis Corporation, Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Syngenta Crop Protection, Inc., Syngenta Seeds, Inc., Siemens Medical Solutions USA, Inc., Siemens Diagnostics Finance Co. LLC, Siemens Healthcare Diagnostics Inc., Siemens Corporation, Siemens Medical Solutions USA, Inc., Roche Laboratories Inc., Roche Molecular Systems, Inc., Roche Diagnostics Corporation, Hoffmann-La Roche Inc.,Qiagen Incorporated, Bracco Diagnostics Inc., John Does 1 through 61 license rights under its patents in New Jersey and throughout the United States and the world.
35. By virtue of defendant's research, commercial and licensing activities, defendants have infringed upon plaintiff's patent and have contributed to others infringing on plaintiff's patent.
36. To the extent that the claims in defendant's patents relating to the phage display of combinatorial libraries are substantially similar to claims in plaintiff's patent, defendant's patents are invalid.

PRELIMINARY ALLEGATIONS

37. This action involves a nexus of infringement in New Jersey. Bayer Corporation, Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals, Inc., Bayer Cropscience (New Jersey) Inc., Bayer Pharma Chemicals Inc, Bayer Materialscience LLC, Bayer Pharmaceuticals Corporation, Boehringer IngelheimRoxane, Inc.,Boehringer Ingelheim Vetmedica, Inc., Novartis Corporation, Novartis Pharmaceuticals Corporation, Novartis Vaccines and Diagnostics, Inc., Syngenta Crop Protection, Inc., Syngenta Seeds, Inc., Siemens Medical Solutions USA, Inc., Siemens Diagnostics Finance Co. LLC, Siemens Healthcare Diagnostics Inc., Siemens Corporation, Siemens Medical Solutions USA, Inc., Roche Laboratories Inc., Roche Molecular Systems, Inc., Roche Diagnostics Corporation, Hoffmann-La Roche Inc. ,Qiagen Incorporated, Bracco Diagnostics Inc., John Does 1 through 61 are corporations and individuals which allow for a situation where their management, scientists and sales personnel infringe on the '363 patent, create

companies which infringe the '363 and collaborate with companies that infringe on the '363.

38. Upon information and belief, the defendants have a vested interest in denying Pieczenik his rightful recognition of the discovery of combinatorial libraries and his rightful share in royalties and commercial agreements.

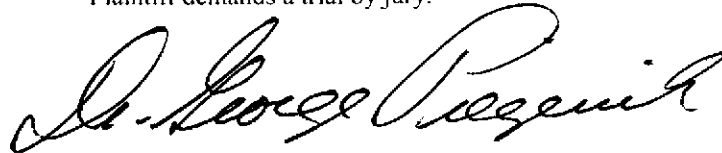
39. Upon information and belief, defendants and/or their representatives have colluded and conspired in such a fashion as to make the defendants a Racketeering Institution and Corrupt Organization in science and this organization and its members and their associates have conspired to deny Plaintiff his rightful royalties from the Pieczenik '363 patent.

PRAYER FOR RELIEF

40. Plaintiff requests that:

- a. Judgment be entered that Defendants have infringed the '363 Patent;
- b. A permanent injunction be issued pursuant to 35 USC 271 (e)(4)(B) restraining and enjoining said defendant, its officers, agents, attorneys and employees, and those acting in privity or concert with it, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States of any products produced according to defendant's patents, or to license defendant's patents anywhere in the world.
- c. Damages for past infringement;
- d. For such other and further relief as the Court may deem proper under the circumstances.

41. Plaintiff demands a trial by jury.



Dated: May 3, 2010

Dr. George Pieczenik, Pro Se  
129 Kingwood-Locktown Road  
Stockton, N.J. 08559  
Tel: 908-996-6963  
Fax: 212-658-9122  
GPieczenik@yahoo.com